

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION AT DAYTON**

Leonard McBroom,

Petitioner,

v.

**Case No. 3:16-cv-514
Judge Thomas M. Rose**

Warden Madison Correctional Institution,

Respondent.

DECISION AND ENTRY ADOPTING REPORT AND RECOMMENDATIONS, (DOC. 11), OVERRULING PETITIONER'S OBJECTIONS TO MAGISTRATE'S REPORT AND RECOMMENDATIONS, (DOC. 12), GRANTING MOTION TO DISMISS HABEAS PETITION AS TIME-BARRED, (DOC. 8), AND TERMINATING THE INSTANT CASE.

On December 27, 2016, Petitioner Leonard McBroom filed a Petition for a Writ of Habeas Corpus, attacking the Ohio Parole Authority's delay in "not finalizing revocation process within [a] reasonable time period as mandated by Ohio Revised Code § 2967.15(B) and *Morrissey v. Brewer* [408 U.S. 471 (1972)]" (ECF 3, PageID 29). Respondent Warden Madison Correctional Institution filed a Motion to Dismiss Habeas Petition as Time-Barred. (ECF 8.) In his Response to the Motion, Petitioner makes it clear that he is attacking the "subject-matter jurisdiction of the Ohio Adult Parole Authority to continue to incarcerate him." (ECF 10, PageID 161.) On March 21, 2016, Magistrate Judge Michael R. Merz filed Report and Recommendations, (Doc. 11), suggesting that the Court grant Respondent's Motion to Vacate, and deny Petitioner a certificate of appealability to proceed on appeal *in forma pauperis*. (Id.) Petitioner has filed an Objection to

Report and Recommendations. (ECF 12).

As required by 28 U.S.C. § 636(b) and Federal Rule of Civil Procedure 72(b), the Court has made a *de novo* review of the record in this case, taking into consideration Petitioner's objections. Upon said review, the Court finds that Petitioner's objection, (ECF 12), to Report and Recommendations, (ECF 11), is not well taken and is hereby **OVERRULED**. Wherefore, the Court **ADOPTS IN FULL** the Magistrate Judge's Report and Recommendations. (ECF 11). Motion to Dismiss Habeas Petition as Time-Barred, (ECF 8), is hereby **DENIED**. Because the resolution of Petitioner's motion would not be debatable among reasonable jurists, Petitioner is **DENIED A CERTIFICATE OF APPEALABILITY**.

DONE and **ORDERED** this Thursday, May 4, 2017.

s/Thomas M. Rose

THOMAS M. ROSE
UNITED STATES DISTRICT JUDGE